

**COUNCIL WORK MINUTES**  
**JULY 2, 2014**

The City Council held a meeting on Wednesday, July 2, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; Paul Cozzens; Don Marchant; Fred Rowley.

**EXCUSED:** Councilmember John Black.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Fire Chief Paul Irons; Leisure Services Director Dan Rodgeron; Public Works Director Ryan Marshall; Project Engineer Jonathan Stathis.

**OTHERS PRESENT:** Terry Irons, Melodie Jett, Tom Jett, Brad Rhodes, Deborah Snider, Donna Law, Debbie Drake, Cindy Line, LeGrand Anderson, Mary Anne Anderson, Tyler Braun, Kirt Brown, Denise Purvis, Carol Ann Modesitt, Joe Gregory, Kristie McMullin, Mac Urie, Reynold Stout, Marilyn Kidwell, Tracie Sullivan, Doug Hall, Kevin Robison, Holly Coombs, Gabriel Adams, Trevor Templin, Alan Moses, Natalie Moses, Nathan Moses.

**CALL TO ORDER:** Councilman Marchant gave the opening prayer; the pledge of allegiance was led by Councilmember Rowley.

**AGENDA ORDER APPROVAL:** Marchant – under public #2 we will only talk about the Arts Committee, not the RAP Tax. Rowley, item #1, instillation should change to installation.

Councilmember Rowley moved to approve the agenda order with changes; second by Councilmember Marchant; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■Marchant – I was going through some stuff at home and found a letter written to Mayor Shirley in 1990's from a scout, we have a problem with our streets, potholes, if we all chip in and fill them in, we can fill potholes near their own homes. We can concentrate on housing. If we fill in the potholes we can have the City crew put asphalt over them. The letter was written by Doug Marchant, Scout. I think it would be good to have the chairs filled with young people to see the process of the meetings. They are interested; we just need to give them a venue to participate. The crews have been working on 200 West on the water valves, I am sure it is preparation for the street work. ■Rowley – I had the opportunity Monday to go to Comedy of Errors at Shakespeare, it was delightful and done in cowboy, and it is well worth the time to go. I also got a comment that during the summer months to encourage Main Street vendors to stay open later in the evenings. ■Cozzens – I was also at the play. I also went and visited with

Commissioner Miller at the Golf Course, they have the fence about ½ done on the south side, Commission Miller has donated his track hoe and the County has also rented one. The inmates have been a great help, we should recognize them. I wonder if we could recognize people in the community more often. Blake DeMille on the clean-up effort, the Indian memorial, Phil Schmidt donated to that cause. He is always donating, there are so many that give so much, we need to recognize people more often. ■Rowley – in my former county we did once a year gave community recognition, it shows we appreciate them and it gives them something. Marchant – we need to be careful, there are so many that donate. Mayor – we could do recognition in the Mayor's newsletter. Rowley – you could have nominations. ■Adams – I had a lot of neighbors talk to me about the new bridge that went in on the East Canyon Trail, it is very good and a nice structure behind the homes. Kit – they also paved the trail today. We still have ½ dozen things to do. ■Chief Irons – reminder to the community that we have requested that we set off fireworks at high school parking lots, Canyon View Middle School, the Aquatic Center and Bicentennial ball fields. It is a request, or strongly encouraged. There will be fines involved if you start a fire. The rain has helped as long as we don't have wind and heat tomorrow.

**PUBLIC COMMENTS:** ■Joe Gregory, I have lived here a year, work at GAF. I would like to recognize the Fire Department, the past 3 Tuesday's the Fire Department has come and toured the facility and we want to thank them. Rowley – thank you for the silos for the Fire Department also.

**CONSIDER AN AGREEMENT WITH BMCA CEDAR CITY, LLC (GAF) TO  
DELAY INSTALLATION OF A CERTAIN PUBLIC INFRASTRUCTURE**

**IMPROVEMENTS – GAF/PAUL BITTMENN:** Paul – GAF has a parcel of land about 78 acres rectangular north of Hwy 56, the bulk are on the north side. They want to split off the front 5 acres and do some improvements around the road, the rest of the improvement on U-56 will be delayed until the property is sold or developed and if there is an SID GAF waives the right to protest. Rowley – any engineering problems that could arise? Paul – the agreement is designed to get around the improvements for now, they will just be delayed. Cozzens – have we done this before? Paul – yes, mostly with commercial and industrial properties. Cozzens – it triggers when? Paul – at development. Brad Rhodes – there are 30 acres between the building and U-56, it is a large area. Consent.

Joe Gregory – anyone that wants a tour of the facility we are happy to have you come. We have hired 38 employees, we are going through commissioning. We are putting material in inventory and we will begin shipping the first of August. We are in good position. Rowley – what is the largest width? 10 feet wide, the school across from the Aquatic Center is putting a competing product on and we will work with the education board to do this in the future. We have done well in the community, 33 of the 38 employees came from the community and we brought back 2 people that lost jobs when Lozier closed.

**DISCUSS USE OF RAP TAX – CEDAR CITY ARTS COUNCIL, DEBORAH**

**SNIDER:** Deborah Snider, President of CC Arts Council – it has been a year since I stood in front of you to introduce myself and ask Mayor Burgess to designate the Council as a Cedar City Council. Nina Barnes also suggested a formal relationship between Cedar City and CC Arts Council and we asked for Danny Stewart to be that member and he has been wonderful and we are going to have the second year of tour of Utah Chalk Arts. You have information in packets about the Arts Council, 14 – 15 Board members that have been active. Recently we had marketing class at SUU take on a marketing assessment and part of the information that came back with is the volunteer board gives \$67,000 of in-kind service to the community, if we multiply by all arts organizations it is \$1.3 million in donations. The Arts as studied in 2012 brought in \$42.4 million a year. The Center for the Arts for Museum of Arts and USF, we are growing, we are a magnet community for the arts and it is so exciting. On Friday we had our first final Friday Art Walk and downtown was alive with the arts. We had artists along the sidewalk drawing; we had 16 venues that are hosting arts for the summer. This is in conjunction with USF and Neil Simon, July 25 and August 5 will be additional arts Fridays. We appreciate the affiliation with you and what Danny has brought to the organization. Rowley – is the museum and theatre going to be constructed simultaneously? Deborah - they will come up together. Marchant – it is important you are stepping out of the mystery the arts have had in the past, and it is important that you become more public such as with the youth. The chalk art is fantastic. We need to become more familiar as a council and community. I think this is what the pioneers envisioned. Deborah – Denise Purvis has started a program called Arts Lab, dance, music, theatre and arts; Debbie Drake, will be the next president and has started workshops for businesses to run successfully. Marchant – we recognize them all and commend you all.

**CONSIDER BIDS FOR THE 1700 WEST AND 100 WEST WATERLINE**

**REPLACEMENT PROJECT – JONATHAN STATHIS:** Jonathan – we are doing projects on an annual basis that are identified in the master plan to be upgraded. The first part of this project is 100 West from 400 North to Coal Creek Road. Then 1700 West behind Motel 6 there is an unimproved road, we will put in a new 8” water line, it is now a 2” line and no fire protection in the area. The one on 100 West is 4”. Rowley – is it cast iron? Jonathan – yes, we replace with ductile iron. Rowley – when 300 West was dug up did we replace the water line? No. Rowley – do you close the road? Jonathan – we have to make a few crossings, but most of the time there will be two lanes of traffic open. We replace the service lines as well. Low bidder is Blackburn and Associates for \$221,242.32 we were within budget and they do have a current business license.

Consent.

**CONSIDER CHANGE ORDER #1 FOR THE CEDAR CANYON WATER TANK**

**REPLACEMENT PROJECT – JONATHAN STATHIS:** Jonathan – we have most of the site work done and pipelines to the tank. They have two rings completed on the tank, they need one more before they put the roof on. It will be 30 feet. Rowley – is there bracing inside for the roof? Jonathan – yes, there are rafters, a center column and intermediate columns.

When they took the tank down they found the top of the rafters are corroded, we could not see the top of the rafters when we did the inspection. There is a lot of pitting and have lost 10% of the steel. They do not meet requirements for the roof. The other part of the rafters was coated, we are not sure if the top was ever coated or not, so it started to pit. We don't know how often it was coated. We are asking to replace the rafters? Additional money was provided in the budget, we are proposing to use that money, \$175,000 is in this year's budget. The change order is \$53,885.15. Rowley – do you not anticipate any more surprises? Jonathan – we are pretty far along on the project. The only thing we don't have is to demolish the old tank. We want to drain it in the fall and see if we can reuse some of the steel. We need an open tank on the north end of town for a secondary system. The School District would like to put more facilities on that system, but we can't provide the service they need. Cozzens – how tall would the walls be? Jonathan – we would cut down the walls a little. Cozzens – would there be liability issues? Rick – we would fence it. Jonathan – there are always potential. I have not included that in there yet. Cozzens – how do we know on change orders that we are getting a fair price? Jonathan – I have reviewed in carefully, they will reuse a few rafters for girders and they were coated on all sides and didn't show the wear. Cozzens – is there a set mark-up in the contract? Jonathan – yes. Rowley – you don't get additional bids? Jonathan – no, we feel it is a good deal. Rowley – how many beams? Jonathan – 72; they are all about the same length. They would like to order the materials.

Reynold Stout – we are trying to get the tank to the point we can get it comparable to a new tank, the rest of the tank is in excellent condition, the weakest part is the rafters, if you take the opportunity now to replace them you will guarantee the life of many years in the future. Cozzens – you have a good size weld to weld the seams? Reynold – we bead the metal out and after the inside weld is done we go to the outside. Mac Urie – if you can get a change order past Jonathan and Kit you are getting a damn good deal. The City got a great deal on the tank; it is like a new tank. Consent.

#### **CONSIDER BIDS FOR THE ANNUAL BLANKET CONTRACTS – JEFF**

**HUNTER:** Ryan Marshall – we have the contracts for installed asphalt, small concrete projects, pavement marking, street materials, tree trimming, towing, crack seal, chip seal applicator and chip seal oil supply. You have a summary in your packet, the highlighted are low bid and we want to issue a contract with once approval is made. Rowley – how come some only have one bidder? Ryan – it has been that way for several years, we advertise, put it on the web and sent out notices. Cozzens – any concerns? Ryan – most of the ones we have used in the past and Jeff is confident that all are good. We have not had any put on a quality concern list. Paul – some have a built in feature that if Sunroc has the chip and they don't have any we go to the next bidder and they give it to us for the price. Ryan – the material list is on materials, not on a certain company. Rowley – are the asphalt prices up with the raise in petroleum prices. Ryan – there is an increase, but it is not considerable. We did put last year prices on the sheet for you to compare to. Consent.

**CONSIDER BID FOR NEW REFUSE TRUCK – JEFF HUNTER:** Ryan Marshall – this is the purchase of the new garbage truck. We came to you looking at the disposition

of the old truck; usually we have traded that truck in. They came to us wanting to purchase it earlier and we followed due process. Interestingly we got \$40,000, but not from this company. It is for \$232,900. These trucks are on a 6 year rotating basis, this is a replacement. Consent.

Rowley – when will they do the pipe bursting on the sewer line? Ryan – it took them longer to get it ready, but they plan to do it tomorrow. It will take them about 3 hours to do it. Cozzens – was it compacted tight enough? Ryan – that is what they claim, they say there is enough pull force. Kit – the burst is hydraulic operated.

Rowley – how are we with the well? Ryan – they have it up and running. We will be recharged by tomorrow morning. Cozzens – if another well went down we would have been in trouble? Ryan – yes. I think it is master planned for another well in Enoch. Kit – there are several wells in the master plan on both systems. Cozzens – would it be for back up? Kit – they like at least one well for back up. Kit – it is about \$2 million for a well. Cozzens – can we look at tying into the Water conservancy District lines? Kit – we can look at it. Ryan – it depends on where you tie in. We also mentioned using the old water tank for a storage tank for secondary irrigation. Kit – there is a Northfield well with high content that has to be diluted that we can use to fill that tank. Cozzens – how much for the old tank to be reconstructed? Kit – don't know, but we will have to purchase some additional property.

Cedar Hills Ward 11 year old scouts were introduced, they are Trevor Templin, Alan Moses, Nathan Moses and with them Natalie Moses.

**CONSIDER AN ORDINANCE AMENDING CEDAR CITY ORDINANCE  
CHAPTER 38 SECTION 38-2-2 ADDING A SECTION 38-2-2A DESCRIBING  
THE METHOD OF EXTENDING OFF-SITE DRAINS TO NEW  
DEVELOPMENTS AND THE METHOD OF REIMBURSEMENT TO THE  
DEVELOPER FOR SUCH EXTENSIONS – KIT WAREHAM:**

Kit – in the water and sewer ordinance there is a section that lays out rules for a water and sewer line that is extended and how they can get reimbursed from other fronting property owners for their frontage and then the original developer is reimbursed. We put the same section into the storm drain ordinance. We are running into a situation in the Cross Hollow area that this may help developers recoup their costs. Action.

**CONSIDER A RESOLUTION AMENDING THE CITY WIDE CONSOLIDATED  
FEE SCHEDULE – PAUL BITTMENN:**

Paul – there are a few changes, Library fees are proposed from a set schedule to a market value schedule so we can do better on selling books. The next set is in P&R, there are proposed fees for livestock yardage and youth volleyball; Airport fuel storage fee from \$0.05 to \$.07, BLM Landing fees, raw land lease is increasing from \$.09 to \$.15 a square foot. Helicopter landing fees change to \$7.50 per landing or \$1,750 a month. FBO license fee from \$500 to \$5,000; water is a clean-up when we increased the water fees all usage and excess usage. Certain customers have large irrigation areas and if they use a certain amount it kicks them to another fee, additional \$2 per thousand gallons. Rowley – we have a deep well camera we rent out,

how often does that happen? Rick – it has happened a few times. Kit – the Conservancy District rented it to camera a well. Rowley – is it from the minute you check it out till you bring it back, or is it just for the time used? Paul – total time you check it out.  
Action.

**EXECUTIVE SESSION – PENDING LITIGATION:**

**ADJOURN:** Councilmember Marchant moved to adjourn and move into the executive session at 6:45 p.m.; second by Councilmember Rowley; vote unanimous.

  
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Renon Savage, CMC  
City Recorder

**CITY COUNCIL EXECUTIVE SESSION**  
**JULY 2, 2014**


The City Council held an executive session on Wednesday, July 2, 2014, at 6:52 p.m. in the Council Chambers at the City Office at 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Council Members: Ron Adams; Paul Cozzens; Fred Rowley; Don Marchant.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage.

**REASONABLY IMMINENT LITIGATION:**

**ADJOURN:** Councilmember Rowley moved to adjourn at 7:35 p.m.; second by Councilmember Cozzens; vote unanimous.

  
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Renon Savage, CMC  
City Recorder

